

1 RICHARD C. JOHNSON (SBN 40881)
2 SHAAMINI A. BABU (SBN 230704)
3 JULIE A. OSTIL (SBN 215202)
4 SALTZMAN & JOHNSON LAW CORPORATION
5 44 Montgomery Street, Suite 2110
6 San Francisco, CA 94104
7 (415) 882-7900
8 (415) 882-9287 – Facsimile
9 djohnson@sjlawcorp.com
10 sbabu@sjlawcorp.com
11 jostil@sjlawcorp.com
12 Attorneys for Plaintiffs

8
9
10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 PENSION TRUST FUND FOR OPERATING
13 ENGINEERS; F.G. CROSTHWAITE and
14 RUSSELL E. BURNS, as Trustees,

15 Plaintiffs,

16 vs.

17 WESTERN TRACTION COMPANY II, INC.,
18 a California corporation, PHOENIX
19 MACHINERY SERVICES CORP., a
20 California corporation, and DOES 1-20

21 Defendants,

22 Case No.: C 11-3161 TEH

23 **REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
EXTEND LAST DAY TO FILE
STIPULATION TO ADR PROCESS OR
NOTICE OF NEED FOR ADR PHONE
CONFERENCE; [PROPOSED] ORDER
THEREON**

24 Date: October 24, 2010

25 Time: 1:30 p.m.

26 Courtroom 12, 19th Floor

27 Judge: The Honorable Thelton E. Henderson

28 Plaintiffs herein respectfully request that the Case Management Conference currently on calendar
19 for October 24, 2011 at 1:30p.m., be continued, due to default being entered on Defendants, and in
20 anticipation of Plaintiffs filing a Motion for Default Judgment.

21
22 1. This action arises under the Employee Retirement Income Security Act of 1974
23 (“ERISA”), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (29 U.S.C
24 §§1001-1461 (1982)), to recover withdrawal liability amounts owed by Defendants Western
25 Traction Company II, Inc., a California corporation, and Phoenix Machinery Services Corp., a
26 California corporation (collectively “Defendants”) to Plaintiffs Pension Trust Fund for Operating
27 Engineers, F.G. Crosthwaite, and Russell E. Burns (collectively “Plaintiffs”).

28 -1-

REQUEST TO CONTINUE AND EXTEND; [PROPOSED] ORDER THEREON

111

2. On August 8, 2011 Plaintiffs filed a request for Entry of Default against Defendants for failure to plead or otherwise defend or appear in this action (Docket No.: 14).

4 3. Default was entered on Defendants on August 10, 2011 (Docket No.: 15).

5 4. Plaintiffs are currently preparing a Motion for Default Judgment, which they
6 anticipate filing with the Court within the next thirty (30) days.

7 5. There are no issues that need to be addressed at the currently scheduled Case
8 Management Conference. In the interest of conserving costs as well as the Court's time and
9 resources, Plaintiffs respectfully request that the Case Management Conference, currently
10 scheduled for October 24, 2011, and all related dates, be continued for 120 days. Plaintiffs further
11 request that the deadline to file either Stipulation to ADR Process or Notice of Need for ADR
12 Phone Conference be extended alongside the continuance of the Case Management Conference.

13 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
14 entitled action, and that the foregoing is true of my own knowledge.

16 Executed this 27th day of September, 2011, at San Francisco, California.

SALTZMAN & JOHNSON LAW CORPORATION

1

2

3

ORDER

4

5

6

7

Based on the foregoing, and good cause appearing, the currently set Case Management Conference is hereby continued to January 23, 2012 at 1:30 p.m. All related case management deadlines are extended accordingly. The last day to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference is hereby extended to January 3, 2012.

8

9

IT IS SO ORDERED.

10

11

Dated: 09/27/2011

12

13

14

15

16

17

18

19

20

21

22

23

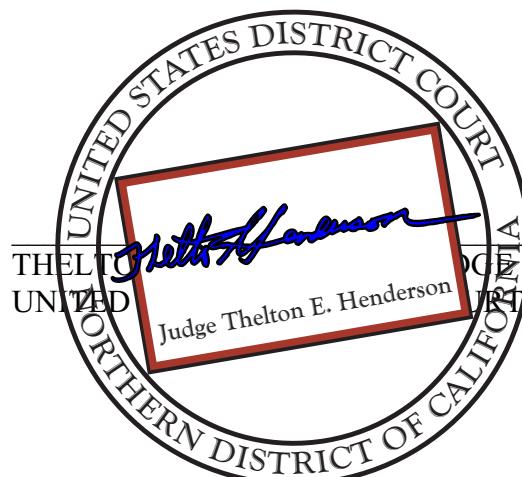
24

25

26

27

28



-3-

REQUEST TO CONTINUE AND EXTEND; [PROPOSED] ORDER THEREON